

To Whom it May Concern,

I am writing as both a long time Satellite Radio subscriber and (small) investor in Sirius XM Radio. I have watched over the years as the F.C.C. itself has prevented Satellite Radio at every turn from evolving organically. While much is made of the 17 months it took to approve the merger, the delay pales in comparison to the time it took to resolve W.C.S. issues and to allow the residents of Alaska and Hawaii to receive Satellite Radio.

As a condition of the merger, Sirius XM agreed to a 36 month voluntary price freeze for its basic subscription package. Sirius XM also introduced a lower priced option, known as "a-la-carte," wherein a subscriber may choose to only receive specific channels at a lower rate. I am alarmed that the F.C.C. now seeks to ignore the "voluntary" part of this concession, and replace it with a government ordered pricing structure, as its comment notice suggests.

There is not a day that goes by, that some analyst or journalist writes a derogatory article claiming that Pandora will put Sirius XM out of business in the not too distant future. Internet Radio companies are allowed to advertise nationally and locally, as well as offer a subscription option. The unregulated nature of the Internet creates an unfair playing field, because the F.C.C. does not allow Sirius XM to target local advertising. No such limitations are placed on terrestrial radio, either. Just in the past week, General Motors announced that it will be including Pandora in its cars.

The removal of the price cap is warranted and serves the public interest. Although Sirius XM has only started to record a small profit, it has done so at a cost of non-expansion and the loss of content. Recently, "Bubba the Love Sponge" for instance was let go over a contract dispute. Content costs are expected to increase over time, along with royalty costs. There are no government mandated price caps on what key content may cost. Major League Baseball is not broadcast on the Sirius platform because of similar monetary disputes. Content providers seldom ask for "less."

Similarly, minorities are being underserved, as the current price cap prevents Sirius XM from expanding into providing more Spanish and other foreign language programming, which it has announced its intention to provide. Such content carries with it certain costs, and it is the content on Satellite Radio that consumers such as myself find appealing.

In the end, consumers themselves will dictate a fair market value for their Satellite Radio service. With a growing number of free alternatives available, consumers have the final say. The never ending due process inflicted on Sirius XM by the F.C.C. should end now.

Jimmy Jones